



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION AGENDA *Revised*
October 28, 2015
6:30 PM CLOSED SESSION; 7:30 PM OPEN SESSION**

A draft of the Township Committee Regular Session Agenda is posted on the Township website at www.longhillnj.us on the Monday preceding the meeting.

STATEMENT OF ADEQUATE NOTICE

"In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and posted in the January 15, 2015 edition, and electronically sent to the Courier News and posted in the January 9, 2015 edition. The notice was posted on the bulletin board in the Municipal Building on January 6, 2015 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk."

No matter shall be commenced or continued after 11:00 PM at any meeting unless a motion is passed by the members present to extend the meeting to a later specified cutoff time.

EXECUTIVE SESSION

**RESOLUTION #15-361
EXECUTIVE SESSION**

BE IT RESOLVED, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meets in closed session to discuss the following matters:

Property Acquisition:

- Central Park (Kurz) Property update
- Eberle property

Personnel

- Police Overtime
- Administrative Salaries

Contract Negotiations

- Lounsberry Meadow

BE IT FURTHER RESOLVED that the minutes of this executive session meeting will be released to the public in a timely fashion pursuant to the Open Public Records Act and other applicable laws and regulations.

MOVED by: _____ of the Township Committee of the Township of Long Hill that Resolution #15-361 is hereby approved for Executive Session. **SECONDED** by:

ROLL CALL VOTE:

OPEN PUBLIC MEETING:

PLEDGE OF ALLEGIANCE

ROLL CALL: Clerk will call the Roll

CONSENT AGENDA RESOLUTIONS:

The following items are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution #15-355 through #15-359 are hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

**RESOLUTION 15-355
CERTIFYING ACTIVE MEMBERSHIP WITH STIRLING VOLUNTEER FIRE COMPANY FOR
NEW JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that the following is an active member of the Stirling Volunteer Fire Company and is eligible to be a member of the New Jersey State Firemen's Association:

Faron D. Fox

**RESOLUTION 15-356
APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

**RESOLUTION 15-357
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the October 14, 2015 Township Committee Meeting and the October 16, 2015, Township Committee Special Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the October 14, 2015 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 15-358
APPROVAL OF COMMUNITY FORESTRY PLAN**

WHEREAS, the Shade Tree Commission of the Township of Long Hill, County of Morris, State of New Jersey has prepared their Community Forestry Plan for the Township of Long Hill; and

WHEREAS, the Shade Tree Commission consulted with Joseph P. Dunn, Certified Tree Expert, who also assisted in the preparation of the Community Forestry Plan; and

WHEREAS, the Shade Tree Commission, at their regular scheduled meeting on September 21, 2015 approved the Community Forestry Plan for submission to the Township Committee for their review and recommendations; and

WHEREAS, the Shade Tree Commissions requests that the Township Committee review the Community Forestry Plan as prepared and approve said plan and authorize the Shade Tree Commission to file the Community Forestry plan with the State of New Jersey pursuant to N.J.S.A. 13:1L-17.7.

BE IT RESOLVED, that the Township Committee of the Township of Long Hill hereby approved the Community Forestry Plan prepared by the Shade Tree Commission and authorizes the Shade Tree Commission to submit the plan to the State of New Jersey pursuant to N.J.S.A. 13:1L-17.7.

**RESOLUTION 15-359
APPROVING USE OF HICKS TRACT –
BOY SCOUT TROOP 59**

BE IT RESOLVED that the Township Committee of the Township of Long Hill does hereby grant permission for Boy Scout Troop 59 of Stirling to use the Hicks Tract to hold their annual festivities;

BE IT FURTHER RESOLVED that Troop 59 is authorized the use of Hicks Tract on December 11th – 12th to camp overnight and Troop 59 is also authorized the use of Hicks Tract on December 16th for their “Christmas in the Woods” program as per letter dated October 21, 2015, subject to meeting all the requirements of the receipt of a Hold Harmless Agreement, Certificate of Insurance and Fire Permit.

ORDINANCES:

ORDINANCES INTRODUCTION:

**ORDINANCE #369-15
AN ORDINANCE CHANGING ALL REFERENCES FROM “PLANNING AND ZONING
ADMINISTRATOR” TO “PLANNING AND ZONING COORDINATOR”
IN THE TOWNSHIP LAND USE ORDINANCE**

STATEMENT OF PURPOSE: To amend the Land Use Ordinance to reflect the fact that the Township Planning & Zoning Administrator has been replaced by a Planning & Zoning Coordinator.

WHEREAS, Dawn Wolfe served in various capacities in the Township Planning, Zoning and Engineering Department for over 30 years before retiring effective August 1, 2015;

WHEREAS, for the last 19 years, after she earned her certification in Planning and Zoning Administration from the New Jersey Association of Planning and Zoning Administrators Dawn Wolfe designated as the Township Planning and Zoning Administrator; and

WHEREAS, Dawn Wolfe has been replaced by Cyndi Kiefer, who has been given the title Planning and Zoning Coordinator since she has not yet obtained her certification in Planning and Zoning Administration; and

WHEREAS, there are references to the “Planning and Zoning Administrator” in various sections of the Township Land Use Ordinance; and

WHEREAS, those sections should be amended to reflect Cyndi Kiefer's title;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey, that the Township Land Use Ordinance (1996) (as supplement and amended) is further amended as follows:

Section 1. Sections 111 entitled "General Terms", 161 entitled "Jurisdiction and Responsibility", 163 entitled "Submission of Variance and Site Plan Waiver Applications Not Requiring Site Plan or Subdivision Approval" and 167 entitled "Land Use Application Checklist" are amended as indicated below:¹

SECTION 110 DEFINITIONS

111 GENERAL TERMS

For the purposes of this Ordinance, certain words and terms are defined as follows: unless the context clearly indicates the contrary, words used in the present tense include the future; the singular number includes the plural, and the plural, the singular; the word "shall" is mandatory and not discretionary, and the word "may" is permissive; the word "lot" includes the words "plot" and "premises" and "property;" and the words "use" and "uses" refer to any purpose for which a lot or land or part thereof or building or structure or part thereof is arranged, erected, designed, constructed or reconstructed, enlarged, altered, converted, maintained, occupied, rented, leased or intended to be used. Whenever a term is used in this Ordinance which is defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., such term is intended to have the meaning as defined in the Law. Any word or term not defined herein shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged, or latest edition thereof.

Administrative Officer —

1. The Township Planning and Zoning ~~Administrator~~ Coordinator shall be the Administrative Officer charged with reviewing development applications and requests for administrative waivers and determining whether they are complete in accordance with the provisions of N.J.S.A. 40:55D-10.3.
2. The Administrative Officer may consult with the Township Technical Review Committee in determining complete applications.
3. The Township Zoning Enforcement Officer shall be the Administrative Official for all other purposes.

Secretary — the Planning Board Secretary, Zoning Board of Adjustment Secretary and/or the Planning and Zoning ~~Administrator~~ Coordinator of the Township of Long Hill.

¹ Deletions are shown by ~~strike through~~; additions are shown underlining.

SECTION 160 SITE PLAN AND SUBDIVISION REVIEW

161 JURISDICTION AND RESPONSIBILITY

161.1 The Planning Board and Zoning Board of Adjustment have the powers specified in Section 170 of this Ordinance to review all site plan, subdivision and related applications in the Township.

161.2 There shall be a Site Plan Waiver Subcommittee (SPWS) which shall consist of two (2) Planning Board regular or alternate members (and a third Planning Board member or alternate as an alternate member of the SPWS) as voting members. The Planning and Zoning ~~Administrator~~ Coordinator, or her designee, and the Construction Official or his designee, shall serve as non-voting members of the SPWS in an advisory capacity, as needed. The SPWS shall review all site plan waiver applications for a change in use or occupancy using the following criteria:

- a. Upon receipt of a complete application (see Administrative Site Plan Waiver Checklist set forth in subsection 163.4 below) and the required application fee (see subsection 181.1b below), the Planning and Zoning ~~Administrator~~ Coordinator will research the application and provide any applicable Planning Board or Board of Adjustment history of the subject property to the SPWS. Copies of the application will then be distributed to the members of the SPWS who will arrange for a site visit utilizing an established criteria checklist adopted by the Planning Board by resolution.
- b. After the site visit is conducted, the Planning and Zoning ~~Administrator~~ Coordinator will be notified to schedule a meeting of the SPWS (within two (2) weeks of submission of the complete application and application fee, if feasible). All SPWS meetings will be held in the daytime or at such other time more convenient for the SPWS members. The SPWS may request a meeting with the applicant and/or property owner.
- c. After it completes its review, the SPWS will render a written decision to either grant an administrative site plan waiver or refer the application to the full Planning Board. An administrative site plan waiver shall be granted by the SPWS if it finds that existing and proposed site improvements meet or will exceed the development design standards specified in Section 150 of the Township Land Use Ordinance. If an administrative waiver is granted by the SPWS, a written "findings of fact" will be generated by the Planning and Zoning ~~Administrator~~ Coordinator describing the nature of the use, hours of operation, number of employees, proposed parking, lighting, landscaping and other site improvements, and all other applicable conditions of the administrative site plan waiver, with a deadline for completion set forth. A performance guarantee in accordance with the provisions of N.J.S.A. 40:55D-53 may be required when deemed necessary by the Planning and Zoning ~~Administrator~~ Coordinator in consultation with the Township Engineer. The administrative waiver granted by the SPWS shall not be effective

until it is signed by the applicant and, when appropriate, by the property owner as well. Copies of the signed findings of fact shall be distributed to the Planning Board file, Construction Official, Zoning Enforcement Officer and the applicant.

- d. The Planning and Zoning ~~Administrator~~ Coordinator shall monitor the applicant's compliance with the terms and conditions of the findings of fact. If the applicant does not comply with the terms and conditions of the findings of fact within the time limits set forth in the SPWS's written decision, the matter will be referred to the Zoning Officer for enforcement.
- e. A written monthly report of actions taken by the SPWS will be prepared by the Planning and Zoning ~~Administrator~~ Coordinator and circulated among the members of the Planning Board.
(Ord. No. 149-04 § 1; Ord. No. 195-06 § 1; Ord. No. 241-09 § 1)

163 SUBMISSION OF VARIANCE AND SITE PLAN WAIVER APPLICATIONS NOT REQUIRING SITE PLAN OR SUBDIVISION APPROVAL

163.4 Submission Requirements (Checklist) for Administrative Site Plan Waivers

Every applicant for an administrative site plan waiver shall submit seven (7) copies of the following checklist and all supporting documentation to the Planning and Zoning ~~Administrator~~ Coordinator:

167 LAND USE APPLICATION CHECKLIST

The Land Use Application Checklist is hereby adopted by the Township as Section 167, Exhibit A.
(Ord. No. 300-12 § 1)

**LAND USE APPLICATION CHECKLIST
TOWNSHIP OF LONG HILL
Section 167, Exhibit A**

#54 Item Description

Upon the completion of the installation of all utilities, the applicant shall provide the Township with four (4) copies of "as built" plans showing the installed location of all structures and utilities to be distributed to: Planning and Zoning ~~Administrator~~ Coordinator, Township Engineer, Construction Official and Zoning Officer.

Section 2. All other references in the Land Use Ordinance to "Planning and Zoning Administrator" not specifically described in section 1 above are also changed to "Planning and Zoning Coordinator."

Section 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, October 28, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, November 25, 2015 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reece, RMC, CMR
Township Clerk

MOVED by: _____ of the Township Committee of the Township of Long Hill that Ordinance #369-15 be approved on first reading with the public hearing and final adoption scheduled for December 9, 2015. **SECONDED** by: _____. **ROLL CALL VOTE:**

ORDINANCE PUBLIC HEARING/CONSIDERATION OF ADOPTION

ORDINANCE #365 - 15
CONCERNING SIDEWALK SALES AND AMENDING CHAPTER III OF THE TOWNSHIP CODE ENTITLED "POLICE REGULATIONS"
Carried from 10-14-2014 with additional verbiage

STATEMENT OF PURPOSE: To give merchants more flexibility in scheduling sidewalk sales.

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter III of the Township Code entitled "Police Regulations" is hereby amended as follows:

Section 1. Section 3-5 entitled "Sidewalk Sales" is amended to read as follows:

3-5 SIDEWALK SALES.

3-5.1 Definitions.

As used in this section:

Sidewalk shall mean any public or private walkway abutting or traversing a premises, any parking lot, lawn or any other exterior area of a premises at which a business is conducted.

Sidewalk sale shall mean a retail sale of a short term and temporary in nature conducted in the front or side yard of a business adjacent to the indoor establishment of the tenant or owner without permanent improvements made to the site. ~~Sidewalk sales shall not include outdoor plant sales. See Section 3-5A for outdoor plant sales.~~

Outdoor plant sale shall mean the retail sale of live ~~seasonable~~ seasonal potted plants, including flowers and pumpkins, and bagged bulk landscaping material such as mulch and potting soil, in the front or side yard of a business adjacent to the indoor establishment of the tenant or owner without permanent improvement made to the site.

3-5.2 Sidewalk Sales Permitted ~~on Certain Dates.~~

~~a.~~ Any retail business lawfully operating in the Township in full compliance with the Township Zoning Ordinance and other applicable ordinances and regulations shall be

permitted to conduct sidewalk sales. ~~during the following periods:~~

- ~~1. — June — For nine (9) days from the Saturday occurring eight (8) days before Father's Day until Father's Day, inclusive. Father's Day is the third Sunday in June.~~
- ~~2. — July — For nine (9) days from the Saturday eight (8) days before the Stirling Freedom Tour Bike Race until the Stirling Freedom Tour Bike Race, inclusive. The Stirling Freedom Tour Bike Race is schedule to occur on the fourth Sunday in July.~~
- ~~3. — August/September — For ten (10) days commencing the Saturday that occurs nine (9) days before Labor Day until Labor Day, inclusive. Labor Day is the first Monday in September.~~
- ~~4. — October — For nine (9) days from the Saturday that occurs eight days before the Annual October Street Fair and ending on the Sunday of the Street Fair Weekend. The Street Fair weekend is scheduled to occur on the second Sunday of October.~~

A business may conduct no more than four such sales in any year. Each sale is limited to no more than ten calendar days. Sales shall be conducted only between 8:00 a.m. and 8:00 p.m., prevailing time.

No permit shall be required to conduct a sidewalk sale on the dates specified above.

It shall be unlawful for any person to conduct a sidewalk sale in the Township without first obtaining a Sidewalk Sale Permit from the Clerk. There shall be no fee to obtain a Sidewalk Sale Permit. All Permits issued pursuant to the provisions of this section shall be conspicuously displayed during the entire period of the sidewalk sale.

~~b. — A temporary sign of no larger than twelve by twenty four (12" x 24") inches may be displayed on each street front of each participating establishment for a period commencing one (1) week prior to the start of the sidewalk sale until the end of the sidewalk sale. No permit is required for sidewalk sale signs.~~

~~c. — Any business that wishes to conduct outdoor sales at any time other than those dates listed in this subsection of the section must obtain site plan approval or variance from the approving authority.~~

~~3-5A.2~~ 3-5.3 Outdoor Plant Sales Permitted for Limited Periods.

Any retail business lawfully operating in the Township in full compliance with the Township Zoning Ordinance and other applicable ordinances and regulations shall be permitted to conduct outdoor plant sales from March 15 through October 31 of each year.

~~3-5.3~~ 3-5.4 Safety Regulations.

No walkway normally used by pedestrians or vehicles shall be blocked by any merchandise offered for sale ~~at a sidewalk sale~~. A three (3') foot passage way for pedestrians shall be left open and merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street ~~or~~ alley, driveway or fire lane.

Merchandise shall be kept in a neat and orderly fashion at all times. Such sales shall not be operated in any manner which would cause a nuisance or create a fire safety or traffic hazard. Goods may be stored out of doors, at the vendors own risk, during the permitted ~~sidewalk~~ sale.

~~3-5.4~~ 3-5.5 Enforcement.

This section shall be enforced by the ~~Township Code Official~~, Code Enforcement Officer, the Police Department and/or the Fire Official.

~~3-5.5~~ 3-5.6 Penalties.

Any person who conducts a ~~sidewalk~~ sale on any date not authorized by this section or who violates any of the other regulations of this section shall be liable to the penalties stated in

Chapter I, Section 1-5

~~3-5A OUTDOOR PLANT SALES. Delete all~~

~~3-17 TIME LIMITED FOR LIGHTED BUSINESS SIGNS AFTER CLOSING HOUR.~~

~~No person shall allow any sign (as that term is defined in Township Code Section 35-8.2) to be lighted later than one-half (1/2) hour after business closing. (Ord. No. 16-91 § 1; 1967 Code § 58-29A)~~

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 9, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 14, 2015 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR
Township Clerk

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

MOVED by: _____ of the Township Committee of the Township of Long Hill that Ordinance #365-15 be approved and adopted on final reading. **SECONDED** by: _____. **ROLL CALL VOTE:**

COMMITTEE LIAISON REPORTS:

DISCUSSION / ACTION ITEMS:

- Solid Waste Bid
- Snow Removal – Fire Hydrants
- Police Overtime

OLD BUSINESS:

NEW BUSINESS:

Announcements/Correspondence:

- Save the Date – November 1, 2:00 PM – 5:00 PM, Rededication and Open House at the Millington Schoolhouse. High Tea
- Rabies Clinic at Bernards Township Public Works Garage on November 14, 2015 from 10:00 AM until Noon for dogs and cats

DRAFT 10-28-2015

- Deer Fall Rutting Season has begun and usually ends mid-December. Deer are most active in the early morning hours and at sunset. Please use caution when driving.
- Clocks turn back Nov. 1, check the batteries in your smoke detectors and carbon monoxide detectors

MEETING OPEN TO THE PUBLIC:

- Remarks and Statements Pertaining to Any Matter
- Comments and remarks will be limited to 3 Minutes